IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO.6571 OF 2004

Shri Arvind K. Kulkarni .. Petitioner

Versus

State of Maharashtra and Ors. .. Respondents

Mr.P.B.Shaligram for the petitioner

Mr.R.M.Patne, A.G.P. for the respondent no.1

CORAM: A.P.SHAH &
S.U.KAMDAR, JJ

DATED: 19TH AUGUST, 2004

ORAL JUDGMENT (PER S.U.KAMDAR, J.):

1. By the present petition, the petitioner is seeking a writ of mandamus and or direction against respondent no.1 and 2 to consider his representation expeditiously and pass necessary orders thereon. Some of the material facts of the present case briefly enumerated are as under:

2. The petitioner was appointed as a Assistant to

Extension Officer. On 9th December 1965, he was promoted as Jr. Engineer. Thereafter he was further promoted as Sectional Engineer. The pay scale for the said Sectional Engineer was given from the year 1st April 1981 to 12th September 1990. The Government issued a G.R. giving various benefits to Sectional Engineer. On 17th November 1994, the Government issued another G.R. and cancelled earlier G.R. dated 12th September 1990 with retrospective effect. On 30th April 2004, the petitioner voluntarily retired from the post CF Sectional Engineer. By the present petition, he is claiming that his representation for difference in pay scale fixed for a period of 1981-84 should be considered by the respondents.

3. There were 37 identical Writ Petitions filed in this court by the employees who joined their services as Technical Assistants and by an order and Judgment dated 7th April 2003, this court has passed various directions interalia giving the petitioners a liberty to make representation and further directing the respondents to consider and

pass appropriate order thereon.

4. In view of the fact that the present case is similar to the said group of Writ Petitions which are decided by the Division Bench of this court (Hon'ble Div.Bench Justice R.M.Lodha and A.S.Aguiar JJ) by an order dated 7th April 2003 in Writ Petition No.719 of 1995 and other connected writ petitions, we also pass the following directions and dispose of this Writ Petition as under:

(i) The Petitioner is given liberty to make representation to Respondent no.1 for reconsideration of the entire aspect concerning issuance of the Government Resolution dated 17.11.1994.

(ii) We direct Respondent No.1 to objectively consider the said representation and pass reasoned order after hearing the Petitioner.

(iii) We clarify that no adverse order shall be passed affecting the promotion conferred upon the

Petitioner to the post of Sectional Engineer without hearing him.

(iv) No costs.

Parties to act on a copy of this order duly authenticated by the Court Stenographer.